

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION

FILED

APR 17 2014

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY MS DEPUTY CLERK

JAIME URQUIDI-ORTEGA,
Movant,

v.

UNITED STATES OF AMERICA,
Respondent.

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No. MO:12-CV-101-RAJ-DC
No. MO:02-CR-096-RAJ-DC

ORDER SETTING SECOND EVIDENTIARY HEARING

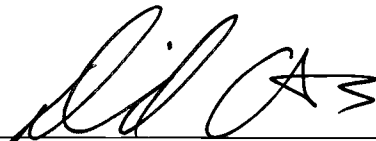
On April 4, 2014, the Court held an evidentiary hearing on Movant Urquidi-Ortega's 28 U.S.C. § 2255 Motion to Vacate. At the evidentiary hearing the parties addressed the following issue: whether trial counsel was ineffective in the plea bargain context in light of *Lafler v. Cooper*, __ U.S. __, 132 S.Ct. 1376 (2012), or *Missouri v. Frye*, __ U.S. __, 132 S.Ct. 1399 (2012). Movant testified that he previously submitted a copy of a plea agreement to the Court in connection with his § 2255. Neither the parties nor the Court could locate such a filing at the time.

In the process of forming an opinion on Movant's § 2255, the Court has located a plea agreement Movant filed with the Court on October 29, 2012. (Docket Entry 122, Attachment 2). The plea agreement is central to the issue before the Court. Therefore, the Court requires a second evidentiary hearing.

IT IS HEREBY ORDERED that an evidentiary hearing will be held on this matter on **Tuesday, May 13, 2014, at 8:30 a.m.**, in the First Floor Courtroom, at the United States Courthouse, 200 East Wall, Midland, Texas, 79701.

It is so **ORDERED**.

Signed this 16th day of April, 2014.



DAVID COUNTS
United States Magistrate Judge